

REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Non-Final Office Action mailed April 28, 2009. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Status of the Claims

Upon entry of the present amendment, claims 1-20 will remain pending in this application. Claims 1, 3, 6, 7, 9, 11, 14, 15, 16, 18, 19 and 20 have been amended. Applicants respectfully submit that no new matter is added by the present amendments.

Objection to the Abstract:

In the Office Action, the abstract of the disclosure was objected to because it failed to comply with the proper language and format for an abstract of the disclosure. By means of the present amendment, the current Abstract has been amended as shown in the enclosed Replacement Abstract in a manner which is believed to overcome the objection. Withdrawal of the objection is respectfully requested.

Claim Objections

Claims 1, 9, 11 and 19 stand objected due to certain informalities. Applicants have amended claims 1, 2, 3, 6, 7, 9, 11 and 19 in a manner which is believed to overcome the stated objections. Accordingly, withdrawal of the objections is respectfully requested.

Rejections under 112, First Paragraph

In the Office Action, claims 6, 7, 8, 11, 12, 14, 15 and 20 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description. Applicants have amended claims 6, 7, 8, 11, 12, 14, 15 and 20 in a manner which is believed to overcome the stated rejections. For example, Applicants have replaced the terms “original decoding manner” and “new decoding manner” for “original firmware release” and “new firmware release”. Accordingly, withdrawal of the rejections is respectfully requested.

Claim Rejections under 35 USC 101

Claims 1 and 9 stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. As per claim 1, the rejection is understood to be based on the premise that it is uncertain what performs the claimed method steps. The claimed steps do not define a machine or computer implemented process. Claim 1 has been amended in a manner which is believed to overcome the rejection. More particularly, claim 1 has been amended to explicitly recite that the method steps are performed in an error correcting apparatus, wherein said method steps are performed by a controlling module, reading means, sending means and receiving means of the error correcting apparatus. The Office similarly rejects Claim 9, stating that it is uncertain what performs the claimed method steps. Claim 9 has been amended in a similar manner to claim 1 which is believed to overcome the rejection. Accordingly, withdrawal of the rejections of Claims 1 and 9 is respectfully requested.

Claim Rejections under 35 U.S.C. §103(a)

I. Claims 1 and 16 are allowable

The Office has rejected Claims 1, 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,974,583 (“Joo”) in view of U.S. Patent No. 6,049,892 (“Casagrande”). Applicants respectfully traverse the rejections.

As to claim 1, the rejection is understood to be based on the premise that Joo discloses a method for correcting an error in content in an error correcting apparatus. The method includes determining a type of error, issuing an instruction over a network to request a download of error correcting information, receiving the error correcting information and correcting the errors.

Applicants traverse the rejection of claim 1. Claim 1, as amended, is drawn to a method for correcting an error in content in an error correcting apparatus, the apparatus including at least a controlling module, reading means, sending means and receiving means. The method including determining, by said controlling module, an error type from content read out by said reading means; ***issuing, by said controlling module, an instruction to said***

sending means to issue a download request over a network for downloading error correcting information over said network, according to the error type determined at said step (a); receiving the error correcting information over said network by said receiving means, responsive to said request; and correcting the errors at the error correcting apparatus using the error correcting information provided over said network.

The cited portions of Joo and Casagrande, considered individually or in combination, fail to disclose or suggest the specific combination of claim 1, as amended. For example, the cited portions of Joo fail to disclose or suggest at least the limitation, “*issuing, by said controlling module, an instruction to said sending means of the error correcting apparatus to issue a download request over a network for downloading error correcting information over said network, according to the error type determined at said step (a)*” {Emphasis Added}.

In contrast to claim 1, Joo discloses an error correcting method for correcting errors by efficiently obtaining the coefficients of an error location polynomial from syndrome values. In accordance with the method of Joo, a determination is made regarding whether syndromes are all zeros, or if at least one syndrome is non-zero for calculating coefficients of the error location polynomial. However, as admitted by the Office at page 6 of the Office Action, Joo does not explicitly disclose a sending means for sending a download request for downloading the respective error correcting information according to the type of error. Accordingly, Joo does not disclose or suggest, “*issuing, by said controlling module, an instruction to said sending means of the error correcting apparatus to issue a download request over a network for downloading error correcting information over said network, according to the error type determined at said step (a)*”, as in claim 1 {Emphasis Added}.

The secondary reference, Casagrande, is cited by the Office to cure a deficiency in Joo. Specifically, Casagrande is cited for disclosing a process and apparatus for downloading data from a server computer to a client computer including a sending means to send a download request for downloading the respective error correcting information according to the type of error. However, Casagrande does *not* send a download request for downloading the respective error correcting information *according to the error type*. Casagrande *only*

detects the amount of data successfully received at a client. Then, when an error is detected that terminates the download, the download is automatically restarted by initiating a second download by sending a request for the data file to the server computer, wherein the request specifies the amount of data successfully received in the first download. *See* Casagrande, col. 4, lines 19-29. It is respectfully submitted that initiating a second request and specifying only the amount of data successfully received in a first download is **different from** *issuing, an instruction to issue a download request over a network to download error correcting information over said network, according to the error type determined at a determining step (i.e., at least one of a physical error and a logical error).* Accordingly, Casagrande does not disclose or suggest, “*issuing, by said controlling module, an instruction to said sending means of the error correcting apparatus to issue a download request over a network for downloading error correcting information over said network, according to the error type determined at said step (a), as in claim 1.*” {Emphasis Added}.

Thus, the cited portions of Joo and Casagrande, considered individually or in combination, do not disclose or suggest, “issuing, by said controlling module, an instruction to said sending means of the error correcting apparatus to issue a download request over a network for downloading error correcting information over said network, **according to the error type** determined at said step (a)” {Emphasis Added}. Hence claim 1 is allowable.

The above reasoning relating to claim 1 applies with equal force to claim 16, which recites that the sending means is used to send a download request for downloading the respective error correcting information according to the error type. Hence, claim 16 is allowable.

II. Claim 9 is Allowable

As to claim 9, the rejection is understood to be based on the premise that Joo discloses a method for correcting an error in content by a supplier supplying error correcting information by a supplier. The method includes receiving a download request corresponding to the error; determining whether the error correcting information corresponding to the download request exists; obtaining a new error correcting information if the error correcting

information corresponding to the download request does not exist; and sending the error correcting information corresponding to the down-load_request.

Applicants traverse the rejection of claim 9. Claim 9, as amended, is drawn to a method for correcting an error in content by a supplier supplying error correcting information to an error correcting apparatus. The method includes *receiving a download request at the server from the error correcting apparatus for downloading the error correcting information corresponding to an error type*; determining, at the server, whether the error correcting information corresponding to the error type identified in the download request exists; obtaining, at the server, new error correcting information if the error correcting information corresponding to the error type identified in the download request does not exist; and sending the error correcting information corresponding to the download request from the server to the error correcting apparatus.

The cited portions of Joo fails to disclose or suggest the specific combination of claim 9, as amended. For example, the cited portions of Joo fail to disclose or suggest at least the limitation “*receiving a download request at the server from the error correcting apparatus for downloading the error correcting information corresponding to an error type identified by the error correcting apparatus*”, as recited in claim 9. In contrast to claim 9, the cited portions of Joo describe an error correction process including a step 30 for calculating syndromes and steps 32 to 42 for determining from the calculated syndromes, an error type and the possibility of error correction. See Joo, col. 4, lines 66 through col. 5, line 7. As explained above, Joo does not explicitly disclose a sending means used to send a download request for downloading the respective error correcting information according to the type of error. Accordingly, because Joo does not disclose a sending means for downloading a request *according to error type*, Joo does not disclose an equivalent receiving means for receiving a download request *according to error type*. More particularly, Joo does not disclose “*receiving a download request at the server from the error correcting apparatus for downloading the error correcting information corresponding to an error type identified by the error correcting apparatus*”, as recited in claim 9.

Casagrande discloses an apparatus for downloading from a server computer to a client computer including a sending means to send a download request for downloading the respective error correcting information according to the type of error. However, as explained above with regard to the rejection of claim 1, the server of Casagrande, does **not** send a download request for downloading the respective error correcting information **according to the error type**. Casagrande **only** detects the amount of data successfully received at a client. It therefore follows that the client computer of Casagrande does not receive a download request for downloading the respective error correcting information **according to the error type**. Accordingly, Casagrande does not disclose or suggest, “*receiving a download request at the server from the error correcting apparatus for downloading the error correcting information corresponding to an error type identified by the error correcting apparatus*”, as recited in claim 9.

Thus, the cited portions of Joo and Casagrande, considered individually or in combination, do not disclose or suggest, “*receiving a download request at the server from the error correcting apparatus for downloading the error correcting information corresponding to an error type identified by the error correcting apparatus*”, as recited in claim 9. Hence claim 9 is allowable.

III. Claims 2-5, 10-15 and 17-18 are Allowable

The Office has rejected Claims 2-5, 10-15 and 17-18 under 35 U.S.C. §103(a) as being unpatentable over Joo in view of Casagrande and further in view of Applicants Admitted Prior Art (APA). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Joo and Casagrande, considered individually or in combination, do not disclose or suggest each and every element of claims 1, 9 and 16 from which claims 2-5, 10-15 and 17-18 depend, respectively. Applicants’ Admitted Prior Art (APA) does not disclose each of the elements of claims 1, 9 and 16 that are not disclosed by Joo and Casagrande. For example, Applicants’ Admitted Prior Art (APA) does not disclose or suggest “*issuing, by said controlling module, an instruction to said sending means*

*of the error correcting apparatus to issue a download request over a network for downloading error correcting information over said network, according to the error type determined at said step (a)”, as recited in claim 1, or “receiving a download request at the server from the error correcting apparatus for downloading the error correcting information **corresponding to an error type** identified by the error correcting apparatus”, as recited in claim 9 sending means used to send a download request for downloading the respective error correcting information according to the-error type”, as recited in claim 16.*

Thus, the cited portions of Joo, Casagrande and APA, considered individually or in combination, do not disclose or suggest at least the limitation, *“issuing, by said controlling module, an instruction to said sending means of the error correcting apparatus to issue a download request over a network for downloading error correcting information over said network, according to the error type determined at said step (a)”, as recited in claim 1, or “receiving a download request at the server from the error correcting apparatus for downloading the error correcting information **corresponding to an error type** identified by the error correcting apparatus”, as recited in claim 9 sending means used to send a download request for downloading the respective error correcting information according to the-error type”, as recited in claim 16.* Therefore, claims 2-5, 10-15 and 17-18 are allowable over the asserted combination of Joo, Casagrande and APA.

IV. Claims 6-8 are Allowable

The Office has rejected Claims 6-8 under 35 U.S.C. §103(a) as being unpatentable over Joo in view of Casagrande and APA, as applied to claim 2, and further in view of U.S. Patent No. 5,774,470 (“Nishiya”). Applicants respectfully traverse the rejections.

As explained above, the cited portions of Joo, Casagrande, and APA, considered individually or in combination, do not disclose or suggest each and every element of claim 2 from which claims 6-8 depend. Nishiya does not disclose each of the elements of claim 2 that are not disclosed by Joo, Casagrande and APA. For example, Nishiya does not disclose or suggest at least the limitation, *“issuing, by said controlling module, an instruction to said sending means of the error correcting apparatus to issue a download request over a network*

for downloading error correcting information over said network, according to the error type determined at said step (a)”, as recited in claim 1 from which claim 2 depends.

Thus, the cited portions of Joo, Casagrande, APA and Nishiya, considered individually or in combination, do not disclose or suggest, “*issuing, by said controlling module, an instruction to said sending means of the error correcting apparatus to issue a download request over a network for downloading error correcting information over said network, according to the error type determined at said step (a)”, as recited in claim 1, or “receiving a download request at the server from the error correcting apparatus for downloading the error correcting information **corresponding to an error type** identified by the error correcting apparatus”, as recited in claim 1. Therefore, claims 6-8 are allowable over the asserted combination of Joo, Casagrande, APA and Nishiya.*

V. Claims 19 and 20 are Allowable

The Office has rejected Claims 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over APA in view of Casagrande. Applicants respectfully traverse the rejections.

As to claim 19, the rejection is understood to be based on the premise that APA in view of Casagrande disclose a player, comprising a reading means, a controlling means, a sending means, a receiving means and a decoding means, wherein the reading means is used to read out content; the controlling means is used to determine the presence of any defect part in the read out content, and to control the ***sending means to send a download request for downloading the respective defect parts***, and to add the defect part received by the receiving means from the network to the read content to provide a corrected content; and the decoding means is used to decode and play the corrected content.

Applicant understands Casagrande to be cited as allegedly providing the teaching of sending means to send a download request for downloading the respective defect parts, However, as discussed above, Casagrande ***only*** detects the amount of data successfully received at a client. Then, when an error is detected that terminates the download, ***the***

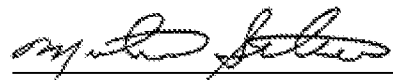
download is automatically restarted by initiating a second download by sending a request for the data file to the server computer, wherein the request specifies the amount of data successfully received in the first download. *See Casagrande*, col. 4, lines 19-29. In other words, the second request is to receive the data file from the point at which the error occurred during the first download. It is respectfully submitted that the second request in *Casagrande* is not for the respective defect parts, but is instead for the remainder of the data file not successfully downloaded in the first download.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-20 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



Michael A. Scaturro
Reg. No. 51,356
Attorney for Applicant

Mailing Address:
Intellectual Property Counsel
Philips Electronics North America Corp.
P.O. Box 3001
345 Scarborough Road
Briarcliff Manor, New York 10510-8001